IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

**

O R D E R

Anwar Ahmed Vs. Sri Jitendra Kumar & anr.

S.B. CIVIL REVISION PETITION No.2/2006

Date of Order :: April 18,2006

P R E S E N T

HON'BLE DR.JUSTICE VINEET KOTHARI

Mr. Ashok Sharma for the petitioner.
Mr. R.P. Garg for the respondents.

BY THE COURT:

1. Heard learned counsel.

2. This revision is directed against the order dated 15.10.2005 rejecting the objections of the applicant petitioner. Learned counsel submits that he was not given opportunity of hearing by the learned trial court before rejecting the objections.

3. As against this learned counsel for the respondents submits that not only the petitioner was given opportunity of hearing on various occasions but this revision is not maintainable as this impugned order falls within the definition of Order 21 Rule 103 and amounts to a decree and, therefore, no revision would lie and instead appeal would lie.

4. In the facts and circumstances of the case, this Court

feels that without deciding these objections, the trial court can be directed to grant one more opportunity to the objector applicant subject to payment of costs, who will appear before the trial court on 1st May, 2006 and the trial court will proceed further in accordance with law. The impugned order dated 15.10.2005 is, therefore, set aside. The petitioner objector shall pay costs of Rs.1000/- to the respondents.

5. This revision petition stands disposed of accordingly.

(Dr.VINEET KOTHARI),J.

VS/